

A Brief Account

OF THE

Indictment, Tryal, Conviction, and Execution

Mr. ROBERT BAILLIE

OF THE

Upon the 22th, 23th, and 24th of December 1684. at His
Majesties Capital City of Edinburgh, in his Ancient
Kingdom of Scotland.

Where the said Mr. Robert Baillie was hanged and afterwards Quartered for

HIGH TREASON.

ON Monday December the 22th 1684, about nine in the Morning, the said Mr. Robert Baillie, of Terrestown, had his Indictment by sound of Trumpet, and Heralds in their Formalities, to appear the 12th at two of the Clock in the Afternoon before the Lords Commissioners of the Judiciary, at which time he did appear accordingly.

The Affie and Witnesses being called, and Glence made, and he in Pannel, his Indictment was read by the Clerk of the Court with an audible Voice, to the effect following, viz.

That he, the said Robert Baillie, having casten off the fear of God, Allegiance to his Sovereign Lord the King, had most treacherously, notwithstanding of several Laws and Acts, relet, harboured, maintained and corresponded with Archibald Campbell, late Earl of Argyll, and Mr. Vane, two desperate and fore-faulted Traitors; and that he had joyned in Council with the late Lord Ruffell, Comensar Monroe, the Lord Melvill, Sir Thomas Armstrong, Sir John Colquhoun, the two Coffincks, and divers others, in that hellish Conspiracy for taking away the Lives of his Sacred Majesty and Royal Highness, and for subverting the Government, and for that effect had assisted, voted, and consulted, for the uplitting of ten thousand pounds Sterling, for buyine of Arms, to be employed for raising of Forces, &c.

His Majesties Advocate produced his Warrant from the Lords of the Privy Connecy for his Instilling against him, and Sir George Lockhart, and Sir John Lowry, upon their Allegiance, to assist the Kings Advocate, which they did most signorly do.

The Advocates for the Pannel (i. e. Pannel) were Sir Patrick Hume, Mr. Walter Traill, Mr. William Fether, Mr. James Graham, and Mr. William Baillie, who protested they might have the liberty of a free Debate, which was granted; and they insisted, that as to the Corresponding with the Rebels libelled, it ought not to be sustained as a point of Dirty, it being *Res habenna Justicia*, the Pannel being fined in six thousand pound Sterling before the Council for the said Crime already.

His Majesties Advocate hereupon restricted his Libel to the other Crimes libelled.

The Lords found the Libel Relevant, and admitted the same to Probation.

Then the Jury were chosen and sworn, viz.

The Right Honourable the Earl of

Stirling, The Right Honourable the Earl of

Argyll, Sir George Skene, Provost of Aberdeen,

Sir James Flemminge, Provost of Edinburgh,

Sir John Ramsay of Whitehill,

Mr. Andrew Hume of Humber,

Mr. Andrew Bruce of Earlsball,

Mr. John Stewart Tutor of Appin.

Mr. Alex-

Mr. Alexander Maitland, Sheriff of Wigtown,
Mr. James Elliot, Sheriff of Dumfries,
Sir William Drummond of Hawthornden,
Major Andrew White, Lieutenant of Edinburgh Castle.

Mr. David Graham, Sheriff of Wigtown,
and David Blacklock, Sheriff of Dumfries.

The Witnesses were called, and first the Right Honourable the Earl of Tarras, who deposed, that Mr. Robert Martin was sent from London by the Pannel, and other Counsellors there, to persuade his Lordship, and several other Scots Country Gentlemen to rise in Arms, George Herriot, the Captain of Edinburgh, and Striveling, the Officers of State and Army, which being done, they were to have pressed his Majesty to have permitted the Parliament of England to have given, and to pass the Bill of Exclusion, and many more things his Lordship very clearly deposed.

The Advocates for the Pannel objected against the Earl of Tarras, that he could be no Witness, for he being *Socius Criminis* in carrying on the Conspiracy, and being indicted for the said Crimes Regiam Majestatem, the Act of Robert the Second and Common Law allows no Witnesses to be allowed in such Cases.

His Majesties Advocate answered, that in Plots and Conspiracies it was impossible to have proved the same, except such Persons were sustained as Witnesses. So the Lords rejected the Objection in respect of the Assent, and sustained his Lordship a Witness.

The second Witness was *Commissar Morrie*, who was brought from his Majesties Castle of Blackness, by a Party of Horse of the Lord Drumhugh's Troop, and deposed that the Pannel was present at several meetings at London, and that he did contribute towards sending Mr. Martin into Scotland, and that he desired he might be sent to Holland to the Earl of Argyll, with the ten thousand pounds Sterling, and many more things to this Purpose and Effect.

The third Witness was *Murray of Phillipburgh*, and *Scot of Galloshields*, who both deposed *Conformes precedentibus in omnibus* as to the raising of Arms, &c.

His Majesties Advocate produced for further Proof the judicial Confession of Mr. William Cassares before the Lords of the Privy Council, &c.

The Probation being closed, the Advocates on both sides made very learned Speeches to the Assize, (i.e. Jury) who immediately thereafter, viz. at the hour of twelve at Night, did close themselves in, and having

opened the Hall of Swarthmoir Chancellet, rose about three a Clock in the Morning, and at nine brought in their Verdict, viz.

That they found it proven that he was Art and Part in the Crimes libelled, and that he had concealed the same.

Which being publickly read, and the Verdict thereafter closed by the said Earl his Seal, the Sentence of Death was pronounced as followeth.

Forasmuch as it is found by an Assize, that Mr. Robert Bailzie of Jerreswood is guilty of the particular Crimes mentioned in his Pittay. Therefore the Lords Justices General, Justice Clarke, and Remanent Lords Commissioners of his Majesties Justiciarie, and I in their Names, decree and adjudge the said Mr. Robert Bailzie to be taken to the Mercat Cross of Edinburgh, this present sixth Instant of December, and there, betwixt two and five a Clock in the Afternoon, to be hanged on a Gibbet until he be dead, his Head to be cut off, and affixed upon the Netherbow of Edinburgh, his Body to be quartered, the one Quarter to be put upon the Tolbooth of Edinburgh, the other on Larrick, the third on Air, and the fourth on the Tolbooth of Glasgow, and Ordaines all his Lands and Rents, Goods and Gear, to be forfeaulted to his Majesties Use, his Arms torn and rent, his Coat Armour all to be razed out of the Lyon Books, so that he, nor none of his Posterity, shall bear Arms in time to come.

The Sentence being given by sound of Trumpet, and Heraults in their Formalities, did tear his Coat of Arms in face of Court, trample the same under foot, and did cast them in his face, and thereafter went to the Mercat Cross, and performed the rest of the Solemnities usual.

Just before the Sentence he professed he was never privy to any Conspiracy against the Life of his Sacred Majesty, Royal Highness, or any Person in the World, and that he never did design to subvert the Government, but what he had done, was for the Redressing of such Grievances he thought were lying upon the Nation, and that he died Innocently, and with a good Conscience.

After Sentence, all he said was, That he had too short a Time.

At the Place and Time in the Sentence mentioned, he was Executed, saying very little on the Scaffold.

F. N. I. S.

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